

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69439 of 2023

Arising Out of PS. Case No.-88 Year-2023 Thana- NATHNAGAR District- Bhagalpur

SAKSHAM SARTHAK Son of Prakash Chandra Suman Resident of
Mohalla-M.T.N Ghosh Road, Mahashay Dyorhi, P.O.-Champanagar, P.s.-
Nathnagar, District-Bhagalpur, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Madan Mohan, Adv.
For the Opposite Party/s	:	Mr.Nawal Kishore Prasad, APP
For the SBPDCL	:	Mr. Vijay Kumar Verma, Adv.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 09-11-2023

1. Learned counsel for the petitioner seeks permission
to file hard copy of the supplementary affidavit, soft copy of
which has already been filed.

2. Permission is accorded.

3. Let hard copy of the supplementary affidavit be
kept on record.

4. Learned counsel for the petitioner is directed to add
the South Bihar Power Distribution Company Ltd. as opposite
party No.2, in course of the day.

5. Heard learned counsel for the parties.

6. The petitioner apprehends his arrest in connection
with Nathnagar P.S. Case No. 88/ 2023 dated 30.01.2023
registered for the offence(s) punishable under Section(s) 135 of
the Electricity Act.



7. The main submissions advanced by the learned counsel for the petitioner are that the petitioner has not committed the alleged occurrence intentionally and prior to the commission of the alleged occurrence, he had applied for electricity connection and waited for a long period for the installation of connection and also filed representation in the office of Assistant, Electric Supply Department, Bhagalpur thereafter he received a message for connection on 23.06.2021 but the connection could not be installed due to ill health of grand mother of the petitioner and the allegation made against the petitioner is completely false and no independent person was present at the time of inspection of the premises of the petitioner by the officials of electricity department and he has got no criminal antecedent of similar nature of offence however, the petitioner is ready to deposit the alleged loss said to have occurred to the electricity department by the wrong of the petitioner in installments.

8. Learned counsel appearing for the SBPDCL accepts the above mentioned proposal made by the petitioner regarding payment of alleged loss to the electricity department in installments.

9. Considering the above submissions and mainly



taking into account the petitioner's proposal to pay the alleged loss in installments to the electricity department, this court is inclined to accept his bail prayer. Accordingly, let the petitioner named-above, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail in connection with Nathnagar P.S. Case No. 88/ 2023 on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further conditions that:-

(i) Petitioner shall pay the one fourth amount of the alleged loss caused to the electricity department before furnishing his bail bond and the receipt of the said payment shall be furnished at the time of furnishing bail bond before the trial court and rest of the amount of the alleged loss shall be paid in equal installments in nine months.

(ii) If the petitioner fails to pay any of the installments of the alleged loss caused to the electricity department within the stipulated period then the learned trial court shall take serious action against the petitioner by canceling his bail bonds.

(Shailendra Singh, J)

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